

**REMARKS**

Claims 1-7 are pending in this application. Independent claims 1 and 4 have been amended to clarify various components of the apparatus provided in the method of claim 1 and the apparatus claimed in claim 4. Support for the amendments is present at, for example, page 7, lines 18-26; page 8, line 10 through page 9, line 3, FIG. 2 and FIG. 3 of the specification. In particular, it should be noted that the “translucent window” of amended claims is itself a “layer” (see, for example, FIG. 2; FIG. 3, page 8, lines 24-26, and page 10, lines 1-3 of the specification) that is attached to the “handle” (see, for example, page 8, lines 24-26 of the specification) of the apparatus.

Dependent claim 5 has been amended to provide proper antecedent basis within the claim’s language.

**35 U.S.C. §102 Rejections:**

The subject matter of claims 1-7 was rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent 6,024,919 to Nelson et al. (hereinafter “Nelson”). In the latest Office Action it is contended that Nelson teaches an apparatus with an air gap (referencing col. 6, lines 45-49, element 4b and FIG. 2 of Nelson) and a translucent window (namely a reflectance monitor, element 5 of Nelson).

Amended claims 1 and 4 each recite an apparatus that includes an absorbent layer, a handle with a hole therethrough that defines at least one sidewall of the handle, and a translucent window layer **attached to the handle**. Furthermore, the apparatus includes an air gap defined by the absorbent layer, sidewall and translucent window layer. By attaching the translucent window layer to the handle, an air gap that is beneficially secure against the unintended escape of air is provided (see, for example, page 8, lines 24-26 and page 7, lines 28-31 of the specification).

Applicants respectfully submit that although Nelson describes a reflectance monitor 5 that is positioned under a window 4b in a solid 4, reflectance monitor 5 is spaced apart from window 4b and not attached to solid 4 of Nelson. This interpretation is evident from FIGs.

Serial No. 09/914,684

3A and 3B of Nelson, that clearly show spacing between reflectance monitor 5 and window 4b of solid 4. Furthermore, the "exploded" view of FIG. 2 in Nelson indicates the "exploded" nature of elements 1, 2, 3 and 4 by the use of broken lines at their corners and/or edges. However, in FIG. 2 of Nelson, element 5 has no such broken lines at its corner and/or edges and is shown as merely being on the centerline of the other elements. Since the reflectance monitor of Nelson is spaced apart from the window, even if it is assumed for the sake of argument that the reflectance monitor of Nelson is a translucent window layer, the reflectance monitor is **not attached** to a handle as in the presently amended claims.


For at least the foregoing reasons, Applicants submit that independent claims 1 and 4, as amended, are neither anticipated by, nor obvious over, Nelson. Since claims 2-3 and 5-7 depend from and further limit independent claims 1 and 4, respectively, they are allowable for at least the same reasons.

#### CONCLUSION

Applicants respectfully requests that, in light of the amendments and explanations above, the Examiner reconsider and withdraw his rejections. Applicants respectfully submit that the claims are in condition for allowance. In the event that minor claim amendments are necessary to meet formal requirements, Applicants invite the Examiner to telephone the undersigned so that issuance can be expedited.

Respectfully submitted,

By: \_\_\_\_\_

  
Mayumi Maeda  
Reg. No. 40,075

Johnson & Johnson  
International Patent Law Division  
Attention Philip Johnson  
P.O. Box 1222  
New Brunswick, NJ 08903  
(408) 956-4790  
Dated: 9/29/04